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EXAMINER
ROBINSON BOYCE, AKIBA K

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3628	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

> A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
> WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
> - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
>   after SIX (6) MONTHS from the mailing date of this communication.
> - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
> - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
>   Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
>   earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>25 March 2009</u>.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1,3,5,9,10,12-16,19,20 and 24-38</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1,3,5,9,10,12-16,19,20 and 24-38</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Status of Claims

1.   Due to communications filed 3/25/09, the following is a non-final office action.

Claims 2, 4, 6-8, 11, 17, 18, and 21-23 have been cancelled. Claims 1, 3, 5, 9, 10, 12-

16, 19, 20, and 24-38 are pending in this application, and have been examined on the

merits. The previous rejection as been withdrawn, and claims 1, 3, 5, 9, 10, 12-16, 19,

20, and 24-38 are now rejected as follows.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 1, 3, 5, 9, 10, 12, 13, 14, 15, 16, 20, 24, 25, 26, 27, 29, 30, 33, 34, 35, 36,

are rejected under 35 U.S.C. 103(a) as being unpatentable over DeFilippo et al (US

6044364), and furthering view of Gravell et al (US 5943658).

As Per Claim 1, DeFilippo et al discloses:

upon power-up of the postal device, transmitting from the postal device to a remote

server, (Fig. 3, and col. 7, line 66-Col. 8, line 45, shows upon power up, zip code

information is checked, the postage meter requests zip code data for portable

vault/printhead module, and the data center ultimately downloads the appropriate zip

code data to base microprocessor, where in this case, the base micro processor

represents the remote server since it is necessary for a microprocessor to have a

server to access necessary data files).

comparing at the remote server the present zip code with a previously stored zip code

representing a previously stored location of the postal device, (col. 5, lines 25-32, zip

code data (data indicative of location) stored is checked to see if it matches a zip code

data store in NVM of printhead module prior to authorizing printing of the requested

postage amount on a mailpiece); and

when the present postal zip code of the device matches the previously stored zip code

representing the previously stored location of the postal device, transmitting to the

device from the remote device an authorization to use the funds; when the present

postal zip code of the device does not match the previously stored zip code

representing the previously stored location of the postal device, transmitting to the

postal device from the remote server…inhibiting use of the funds stored in the postal

device, (col. 5, lines 25-47, when a match occurs, printing of postage authorized, if a

match does not occur, preventing the printing of postage by the postage metering

system);

DeFilippo et al does not specifically disclose the transmission of a signal, however does disclose that Signals from motion encoder are sent to printhead module to coordinate the energizing of individual printhead elements col. 4, lines 47-49, thereby showing that a signal is needed for use of the printhead elements of the meter, and therefore suggesting signals indicating usage of the meter.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to produce a signal inhibiting use with the motivation of providing an indication that the meter can not be used.

DeFilippo et al does not specifically disclose location information of the postal device, wherein the location information of the postal device is transmitted automatically by the postal device without any user interaction/determining, at the remote server, a present postal zip code representing a physical location of the postal device based on the present physical location information/determining, at the remote server, a postal zip code representing the location of the postal device based with a previously stored zip code representing previously stored location of the postal device, however, In col. 3, lines 3-10 Gravell et al discloses that receiving at a data center a call that originates from the location of the postage meter, and using caller ID, the data center determines the phone number originating the call where the identification of the postage meter is transmitted from the postage meter to the data center and if the phone number has changed from a phone number from the previous phone call for the postage meter, the

data center obtains a five-digit ZIP code for the address corresponding to the phone

number. It therefore would be obvious to one of ordinary skill in the art at the time of the

applicant's invention to combine the teachings of DeFilippo et al and Gravell et al to

disclose the above limitations.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to disclose the above limitations with the motivation of showing the

ability to determine a zip code from a location of a device.

As per claim 15, DeFilippo et al discloses:

further comprising transmitting from the remote server to the postal device a zip

code corresponding to the present location of the postal device, (col. 7, line 66-Col. 8,

line 45, shows upon power up, zip code information is checked, the postage meter

requests zip code data for portable vault/printhead module, and the data center

ultimately downloads the appropriate zip code data to base microprocessor).

As per claims 9,10,12, 27, DeFilippo et al does not specifically disclose the following,

however does disclose securely communicating with data center 10 via a modem in col.

3, lines 49-53.

However, Gravell et al discloses using a caller ID to aid in determining and transmitting

the location information of the device in col. 3, lines 3-10. Gravell et al also discloses

internet, cellular communications in col. 1 lines 61-64, and in col. 4, lines 31-40

discloses that the Internet can be used to determine the origin ZIP code for remote

registration of any digital meter. It therefore would be obvious to combine the teachings

of DeFilippo et al and Gravell et al disclose wherein transmitting comprises transmitting

the present physical location information over a telephone line/wherein transmitting

comprises transmitting the present physical location information over an internet

connection/wherein transmitting comprises transmitting the present location information

over a cellular telephone system/ further comprising determining the present postal zip

code representing the physical location of the device based on a location identifier of

the cellular telephone system.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to transmit via telephone line, internet or cellular telephone

system with the motivation of securely transmitting data over a network.

As per claims 13, 14, 30, 35, DeFilippo et al doesn't explicitly disclose: wherein

transmitting comprises transmitting the present location information based on an output

of a position determining apparatus of the postal device/wherein the position

determining apparatus is a global positioning system receiver and the present physical

location comprises global positioning system coordinates of the postal device/wherein

the location generator is a global position system receiver, but does disclose

geographical location/limitations in Col. 8, lines 35-43, which suggests that an actual

GPS system is not used but a locator system is capable of functioning in the same

manner as the GPS.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to include a device that is associated with a GPS system in

conjunction with a locator system within the system taught by Eddy's with motivation if

locating a device using Global Positioning System to operate the system more

efficiently.

As per claims 16, 36, DeFilippo et al discloses:

a memory for storing a value indicative of the funds/a memory for storing an

amount of funds, (col 4, line 57, non-volatile memory);

a communication port accessible by the host processor/a communication port for

providing communication between the postal device and a remote server, (col. 4, lines

24-34, establishes communication, col. 9, lines 23-26, communication between postage

meter 1 and the data center 10, base microprocessor 9 determines whether a portable

vault 7 is inserted into postage meter);

upon powering up, (Fig. 3, and col. 7, line 66-Col. 8, line 45, shows upon power

up, zip code information is checked, the postage meter requests zip code data for

portable vault/printhead module, and the data center ultimately downloads the

appropriate zip code data to base microprocessor, where in this case, the base micro

processor represents the remote server since it is necessary for a microprocessor to

have a server to access necessary data files).

an authorization is received via the communication port from the remote server to use the postal device and the stored funds when the location of the postal device as described by the location information indicates the location of the postal device is within a preauthorized region of operation, and …by the postal device via the communication port from the remote server inhibiting use of the postal device and the stored funds when the location of the postal device indicates that the location of the postal device is outside the preauthorized zip code within which the postal device is authorized for operation/inhibiting use of the postal device and the stored funds when the location of the postal device indicates that the location of the postal device is outside the zip code within which the postal device is authorized for operation, (col. 5, lines 25-32, zip code data (data indicative of location) stored is checked to see if it matches a zip code data store in NVM of printhead module prior to authorizing printing of the requested postage amount on a mailpiece, w/col. 5, lines 25-47, when a match occurs, printing of postage authorized, if a match does not occur, preventing the printing of postage by the postage metering system).

DeFilippo et al does not specifically disclose the transmission of a signal, however does disclose that Signals from motion encoder are sent to printhead module to coordinate the energizing of individual printhead elements col. 4, lines 47-49, thereby showing that a signal is needed for use of the printhead elements of the meter, and therefore suggesting signals indicating usage of the meter.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to produce a signal inhibiting use with the motivation of providing an indication that the meter can not be used.

DeFilippo et al does not specifically disclose determining a present physical location/ present zip code representing the present location of the postal device/a location generator for generating location information of the postal device/ and a location generator that provides…, indicating the actual location of the device to the remote server via the communication port and the host processor; wherein the location information is transmitted via the communication port to the remote server automatically upon power-up of the postal device and without any user interaction, however, does disclose determining a location in the form of a zip code as described in col. 7, line 66-Col. 8, line 45, however, In col. 3, lines 3-10 Gravell et al discloses that receiving at a data center a call that originates from the location of the postage meter, and using caller ID, the data center determines the phone number originating the call where the identification of the postage meter is transmitted from the postage meter to the data center and if the phone number has changed from a phone number from the previous phone call for the postage meter, the data center obtains a five-digit ZIP code for the address corresponding to the phone number. It therefore would be obvious to one of ordinary skill in the art at the time of the applicant's invention to combine the teachings of DeFilippo et al and Gravell et al to disclose the above limitations.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to disclose the above limitations with the motivation of showing the

ability to determine a zip code from a location of a device.

As per claim 20, DeFilippo et al discloses:

a local device for securely storing the funds and outputting a proof of postage

indicuim, comprising: a memory for storing value indicative of the funds and a postal

drop off location, (col 4, line 57, non-volatile memory);

a communication port for providing communication between the local device

and a remote server, (col. 4, lines 24-34, establishes communication, col. 9, lines 23-26,

communication between postage meter 1 and the data center 10, base microprocessor

9 determines whether a portable vault 7 is inserted into postage meter);

the remote server, comprising:

a database storing a preauthorized region of operation including postal drop off

location for the local device, (col. 2, line 54-col. 3, line 10, shows structure for storing

second data)

wherein:

the remote server compares a present postal drop off location of the local device

provided by the present location information to the preauthorized region of operation,

(col. 5, lines 25-32, zip code data (data indicative of location) stored is checked to see if

it matches a zip code data store in NVM of printhead module prior to authorizing printing

of the requested postage amount on a mailpiece);

the remote sever issues an authorization to the local device to allow it to use

the funds if the present postal drop off location of the local device is within the

preauthorized region of operation, the remote server … to the local device inhibiting use

of the funds if the present postal drop off location of the local device is outside the

preauthorized region of operation (col. 5, lines 25-32, zip code data (data indicative of

location) stored is checked to see if it matches a zip code data store in NVM of

printhead module prior to authorizing printing of the requested postage amount on a

mailpiece, w/col. 5, lines 25-47, when a match occurs, printing of postage authorized, if

a match does not occur, preventing the printing of postage by the postage metering

system); and

DeFilippo et al does not specifically disclose the transmission of a signal,

however does disclose that Signals from motion encoder are sent to printhead module

to coordinate the energizing of individual printhead elements col. 4, lines 47-49, thereby

showing that a signal is needed for use of the printhead elements of the meter, and

therefore suggesting signals indicating usage of the meter.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to produce a signal inhibiting use with the motivation of providing

an indication that the meter can not be used.

DeFilippo et al does not specifically disclose a location generator for generating present

postal drop off location information of the local device/wherein the communication port

transmits the present postal drop off location information to the remote server

automatically upon power-up of the device and without any user interaction, however, Gravell et al discloses using a caller ID to aid in determining and transmitting the location information of the device in col. 3, lines 3-10. Gravell et al also discloses internet, cellular communications in col. 1 lines 61-64, and in col. 4, lines 31-40 discloses that the Internet can be used to determine the origin ZIP code for remote registration of any digital meter. It therefore would be obvious to combine the teachings of DeFilippo et al and Gravell et al disclose wherein transmitting comprises transmitting the present physical location information over a telephone line/wherein transmitting comprises transmitting the present physical location information over an internet connection/wherein transmitting comprises transmitting the present location information over a cellular telephone system/ further comprising determining the present postal zip code representing the physical location of the device based on a location identifier of the cellular telephone system.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to disclose the above limitations with the motivation of showing the ability to determine a zip code from a location of a device.

As per claim 25, DeFilippo et al fails to disclose the following, however Gravell et al does disclose using a caller ID to aid in determining and transmitting the location information of the device in col. 3, lines 3-10secure communication with data center 10 via a modem in col. 3, lines 49-53. It would therefore be obvious to combine the teachings of DeFilippo et al to disclose further comprising determining the present

postal zip code representing the present physical location of the device based on caller

identification information.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's

invention to determine the postal drop off location of the device based on caller

identification information with the motivation of providing location through telephone

number.

As per claim 26, DeFilippo et al does not specifically disclose the following, however

does disclose secure communication with data center 10 via a modem in col. 3, lines

49-53, however Gravell et al discloses wherein the communication is a network and the

identifier is a network address in claim 4 of Gravell et al. It therefore would be obvious

to combine the teachings of DeFilippo et al and Gravell et al to disclose determining the

present postal zip code representing the present physical location of the device based

on a network address of the device.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to determine the present location based on the network address of

the device with the motivation of using Internet resources to track the device's

transmitted data.

As per claims 3, 24, 29, 33, 34, DeFilippo et al does not specifically disclose the following, however does disclose secure communication with data center 10 via a modem in col. 3, lines 49-53.

However, Gravell et al discloses that if the customer's ZIP code has changed, then, at step 150, the Vendor Data Center requests and receives from the USPS Certificate and Licensing Authority a new certificate based on the customer's new ZIP code in col. 5, lines 4-18. It therefore would be obvious to combine the teachings of DeFilippo et al and Gravell et al to disclose when the present physical location of the postal device is not within the previously stored zip code representing the previously stored location of the postal device, issuing a license for the device to use the funds at the present physical location of the device/transmitting from the remote server to a postal carrier a request for a new location license/wherein the communication port receives from the remote server a license to use the funds at the present physical location of the postal device from the remote server when the location information indicates that the present physical location of the postal device is outside the preauthorized region of operation/ wherein the communication port receives from the remote server a license permitting the local device to use the funds the local device is outside the preauthorized region of operation/ wherein the remote server requests the license from a postal carrier.

It would have been obvious to one of ordinary skill in the art at the time of the

applicant's invention to issue a license for the device to use the funds at the present

location if the location of the device is not within the predetermined region with the

motivation of maintaining eligibility for operating the device.

As per claim 5, DeFilippo et al discloses:

further comprising transmitting from the remote server to the postal device a zip

code, corresponding to the present physical location of the postal device, (Fig. 3,

and col. 7, line 66-Col. 8, line 45, shows upon power up, zip code information is

checked, the postage meter requests zip code data for portable vault/printhead

module, and the data center ultimately downloads the appropriate zip code data to

base microprocessor, where in this case, the base micro processor represents the

remote server since it is necessary for a microprocessor to have a server to access

necessary data files).

4.   Claims 19, 28, 31, 32, 37, 38 are rejected under 35 U.S.C. 103(a) as being

unpatentable over DeFilippo et al (US 6044364), and furthering view of Gravell et al (US

5943658), and further in view of Eddy et al (US 5,812,400).

        As per claims 19, 28, 31, 32, neither DeFilippo et al nor Gravell et al specifically

disclose the following, however DeFilippo et al does disclose secure communication

with data center 10 via a modem in col. 3, lines 49-53.

However Eddy teaches that identifying the dispense postage and location identifier which indicates the amount while being verified by the postal authority to authenticate the authenticity of the transaction in column 11, lines 19-45. In addition, while Eddy doesn't explicitly mention digitally signing. Digitally signing relates to verification and verification is met when the postal authority examines the transaction.

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to include a device that is capable of digitally signing said communication for the reasons of distributing funds or assessing funds by via of postal authority authorization to make the system more efficient for operation.

As per claims 37 and 38, neither DeFilippo et al nor Gravell et al specifically disclose the following, however DeFilippo et al does disclose a display in col. 4, lines 21-24.

However, Eddy discloses:
whereby the present postal zip code representing the present physical location is displayed by the device/whereby the device location may be displayed by the device. (col. 2, lines 40-46, displaying location data). Eddy discloses this limitation in an analogous art for the purpose of showing that location data is displayed for a meter system

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention for the device location code/location to be displayed with the motivation of allowing a user to view location data.

Response to Arguments

5.   Applicant's arguments with respect to claims 1, 3, 5, 9, 10, 12-16, 19, 20, and 24-38 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Akiba K Robinson-Boyce whose telephone number is 571-272-6734. The examiner can normally be reached on Monday-Friday 9am-5:30pm.

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

•Patent Application Information Retrieval (PAIR) system, Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

A. R. B.
June 15, 2009

/Akiba K Robinson-Boyce/
Primary Examiner, Art Unit 3628